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BY ECF AND U.S. FIRST CLASS MAIL

June 28, 2010

The Honorable Andrew Carter
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Britt v. Aries Financial, et. al.*, 09-Civ-2398 (RJD) (ALC))
Petersen v. Aries Financial, et. al., 06-Civ-6663 (RJD)(ALC)
Joint Status Letter & Joint Request for Discovery Extension

Dear Judge Carter:

We represent the Plaintiff Herman Britt in the above-referenced matter and write on behalf of the parties in *Britt* and *Petersen* as directed by this Court's Order dated June 16, 2010. Although the parties have been working diligently to complete fact discovery by the June 30, 2010 deadline, both actions still have several discovery matters pending and therefore submit this joint request for an extension of fact discovery to August 31, 2010. All parties further request that the deadline for exchange of expert reports be extended to October 31, 2010; that expert discovery be completed by November 30, 2010; and that dispositive motions be filed by December 31, 2010.

The parties have completed substantial discovery relating to these actions, including depositions of:

Fredric Powell (*Petersen* defendant) - August 4, 2009; September 1, 2009
Joseph Trentacosta (*Petersen* defendant) - October 5, 2009
Gary Cucuzza (*Petersen* defendant) – November 23, 2009; April 23, 2010
Frank Carone (*Petersen* defendant) - December 17, 2009
James Uston (*Petersen* defendant) - December 17, 2009; March 10, 2010
Doug Kahan (*Britt* defendant and nonparty witness in *Petersen*) - April 22, 2010

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Al London (individually and as 30(b)(6) witness for Aries Financial - *Britt* and *Petersen* defendant) - May 20, May 27, and June 3, 2010

Catherine Basile (nonparty witness in *Petersen*) - June 3, 2010

Herman Britt (*Britt* plaintiff) – June 14, 2010

Candice London (nonparty witness in *Britt* and *Petersen*) – June 22, 2010

David Gottlieb (nonparty witness in *Petersen*) – June 23, 2010

Carol Laxner (nonparty witness in *Britt* and *Petersen*) – June 24, 2010

In addition, the following depositions are scheduled this week:

Eydie Kahan (nonparty witness in *Britt*) – June 29, 2010

Larry Ramaekers, Aries Financial principal (nonparty witness *Britt* and *Petersen*) – June 30, 2010

Yet, a number of discovery issues in both actions remain. In *Petersen*, Waterview Abstract, a nonparty witness, was scheduled for deposition June 23, 2010, but the witness misunderstood the date and scheduled another obligation for the 23rd. That deposition is now set for July 7. Further, as the Court is aware, Marie Petersen's poor health requires that her deposition be conducted in her home for no more than two hours at a time. Counsel have taken testimony from Ms. Petersen on at least four dates (April 1, 13, 29, and May 6) but require additional time to complete the deposition.

Britt counsel also plan further depositions. Mrs. Britt's deposition, scheduled for June 29, 2010, was postponed when Aries Financial's attorney, Mr. Sosinsky, learned he had a trial beginning the day before. The parties consented to conduct this deposition on July 26, 2010. Plaintiffs' counsel plan to complete Mr. Ramaekers' deposition in one day, on June 30, 2010, but may need more time with this Aries Financial principal. Earlier depositions revealed that Mr. Ramaekers was more involved in day-to-day Aries business than previously believed. Also, two *Britt* defendants, Divine Intervention Inc. and Andrew Morse, continue to evade service. All parties in *Britt* wish to depose these persons because they participated in the brokering of the Britt loan. We are still investigating their whereabouts.

As mentioned in the June 14, 2010, status letter, other nonparty witness depositions remain to be scheduled. *Britt* counsel are seeking to depose Fredric Powell, who is a nonparty witness in the *Britt* action. This office spoke with Mr. Schoer, Mr. Powell's attorney, and requested available dates. *Petersen* counsel recently obtained contact information for Steve Havlama, a nonparty witness they had been pursuing, and also may need to depose nonparty witness Gateway.

Finally, counsel for plaintiffs learned last week at a deposition of an Aries Financial employee that certain requested discovery has not been shared. Counsel for plaintiffs seek additional time to pursue this discovery and will formally contact Mr. Sosinsky this week with the hope of resolving these outstanding matters without the need for court intervention.

The parties in both these actions have been working together to complete fact discovery so as to avoid duplication of depositions and within the constraints imposed by Ms. Petersen's health and counsels' other litigation obligations. Further, the parties believe it will be most efficient to keep these matters on the same schedule for purposes of expert discovery. Thank you for your consideration.

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Dated: Brooklyn, New York
June 28, 2010

Respectfully submitted,

/s/

Jennifer Sinton

cc:

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